





























AUTHORISED LEGAL PRACTICE

	Principal of a law practice	Employee of a law practice	Corporate legal practitioner	Government legal practitioner	Volunteer	Professional Indemnity Insurance
Principal of a law practice	 1	 1	 1	 1	 2	 3
Employee of a law practice	 1	 1	 1	 1	 2	 3
Corporate legal practitioner	 1	 1	 1	 1	 2	EXEMPT 4
Government legal practitioner	 1	 1	 1	 1	 2	EXEMPT 4
Volunteer	 1	 1	 1	 1	 2	 3

- 1 The holder may not engage in legal practice as a sole practitioner (in the case of a law practice constituted by the practitioner) if the holder's practising certificate is subject to Condition 2 or a Discretionary Condition requiring supervision.
- 2 Discretionary conditions imposed by the Law Society Council may prohibit, restrict or regulate the provision of legal services by an Australian legal practitioner at community legal services or otherwise on a pro bono basis.

- 3 The *Legal Profession Uniform Law (NSW)* requires solicitors to hold or be covered by an approved insurance policy for New South Wales before they engage in legal practice in New South Wales. Similar provisions apply to an incorporated legal practice.
- 4 Corporate legal practitioners and government legal practitioners are exempted from the requirement to hold or be covered by an approved insurance policy under the *Legal Profession Uniform General Rules* except in connection with their engaging in legal practice as a volunteer.

Definitions

Australian legal practitioner means an Australian lawyer who holds a current Australian practising certificate;

corporate legal practitioner means an Australian legal practitioner who engages in legal practice only in the capacity of an in-house lawyer for his or her employer or a related entity, but does not include a government legal practitioner;

government lawyer means a person who engages in legal practice only—

- as an officer or employee of a government authority; or
- as the holder of a statutory office of the Commonwealth or of a jurisdiction; or
- in another category specified in the Uniform Rules;

government legal practitioner means a government lawyer who is an Australian legal practitioner;

law practice means—

- a sole practitioner; or
- a law firm; or
- a community legal service; or
- an incorporated legal practice; or
- an unincorporated legal practice;

principal of a law practice is an Australian legal practitioner who—

- in the case of a sole practitioner—is the sole practitioner; or
- in the case of a law firm—is a partner in the firm; or
- in the case of a community legal service—is a supervising legal practitioner of the service referred to in section 117 of Legal Profession Uniform Law (NSW) ; or
- in the case of an incorporated legal practice or an unincorporated legal practice—
 - holds an Australian practising certificate authorising the holder to engage in legal practice as a principal of a law practice; and
 - is—
 - if the law practice is a company within the meaning of the Corporations Act—a validly appointed director of the company; or
 - if the law practice is a partnership—a partner in the partnership; or
 - if the law practice is neither—in a relationship with the law practice that is of a kind approved by the Council under section 40 or specified in the Uniform Rules for the purposes of this definition;

pro bono basis— an Australian legal practitioner provides legal services on a pro bono basis where—

- the practitioner, without fee, gain or reward or at a reduced fee, advises or represents a client in cases where—
 - the client would not otherwise have access to legal services; or
 - the client's case raises a wider issue of public interest; or
- the practitioner is involved in free community legal education or law reform; or
- the practitioner is involved in the giving of free legal advice or representation to charitable and community organisations.

supervised legal practice means legal practice by a person who is an Australian legal practitioner—

- as an employee of, or other person working under supervision in, a law practice, where—
 - at least one legal practitioner associate of the law practice is an authorised principal; and
 - the person engages in legal practice under the supervision of an authorised principal referred to in subparagraph (i); or
- as a principal of a law practice (other than a community legal service), where the person engages in legal practice under the supervision of an authorised principal of the law practice; or
- as a corporate legal practitioner or government legal practitioner, where the person engages in legal practice under the supervision of a person who holds, or is eligible to hold but is exempted from holding, an Australian practising certificate authorising the holder to supervise legal practice by others; or
- in a capacity or in circumstances specified in the Uniform Rules for the purposes of this definition;

volunteer means practice limited to work as a volunteer at a community legal service or otherwise on a pro bono basis and does not relate to work done for friends and family without charging fees.

Conditions

1. Continuing Professional Development (Statutory Condition) (s.52 *Legal Profession Uniform Law (NSW)* and *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*)

The holder must comply with continuing professional development requirements of the Continuing Professional Development Rules.

2. Supervised Legal Practice (Statutory Condition) (s.49 *Legal Profession Uniform Law (NSW)*)

The holder must, in this jurisdiction, engage in supervised legal practice only, until the holder has completed the period of supervised legal practice required.

3. Practice Management Course (Discretionary Condition) (s.53 *Legal Profession Uniform Law (NSW)* and Rule 16(b)(ii) *Legal Profession Uniform General Rules 2015*)

The holder must complete a Practice Management Course before being authorised to engage in legal practice as a principal of a law practice.

4. Discretionary Condition (s.53 *Legal Profession Uniform Law (NSW)* and Rule 16 *Legal Profession Uniform General Rules 2015*)

The holder must comply with any discretionary condition imposed by the Council of The Law Society of New South Wales.

5a. Trust Money (s.47(2) *Legal Profession Uniform Law (NSW)*)

The holder is authorised to receive trust money on behalf of a law practice.

5b. Trust Money (s.47(2) *Legal Profession Uniform Law (NSW)*)

The holder is not authorised to receive trust money on his or her own account.

6. Admission Condition (Statutory Condition) (s.48(1) *Legal Profession Uniform Law (NSW)*)

The holder must not contravene a condition imposed on their admission.

Compliance

Failure to comply with practising certificate conditions can result in disciplinary action. If there is evidence of non-compliance the Council of the Law Society may cancel, suspend or refuse to issue your practising certificate, or attach additional conditions to its issue.